App. F. IX-4

Previous References.
ಜಸಂ 76-38-1-5

1939.
(ಜಸಂ)

File No. 428-39
Serial Nos. 1-2

Later References.
ಜಸಂ 428-39-3
ಕಾ.ನಿ. 2-40(1-4)
ಕಾ.ನಿ. 35-40 ಪುಟ 188.
ಜಸಂ 405-44 (1,6)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two

100

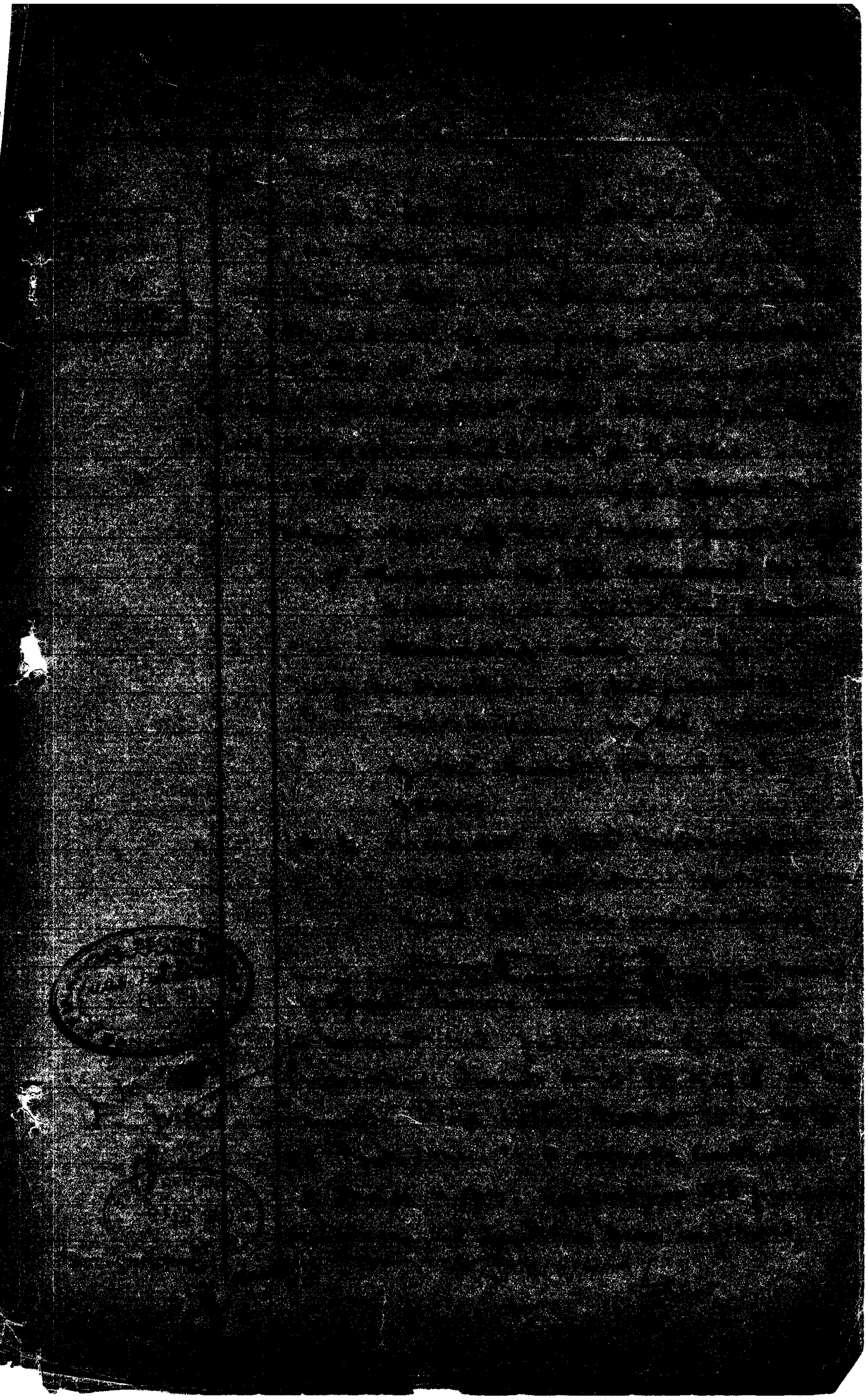
Part B for ಪ್ರಸಂ 40

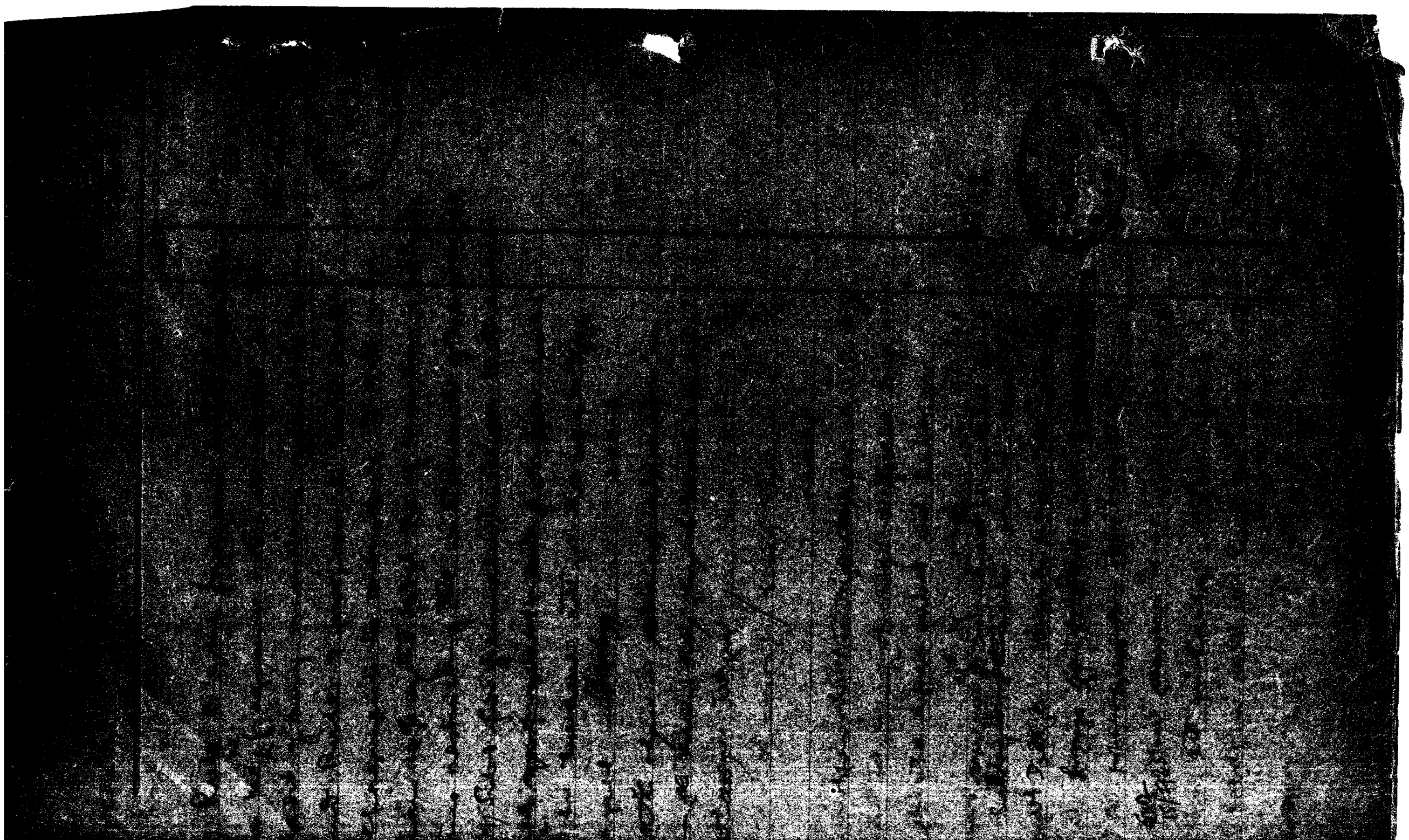
SUBJECT.

Extension of the provision of Act IX of 1946 to the Bangalore woollen, cotton & Silk mills Provident Fund Scheme

Particulars in the Gazette

28/2





Ptc 428-39-1

3

THE BANGALORE WOOLLEN, COTTON & SILK MILLS CO. LD.

TELEGRAPHIC ADDRESS:
WOOLLEN BANGALORE.

TELEPHONE No. 2037.

BANGALORE CITY, 29th January 1940.

GEN. & REVENUE SECRETARIAT.
31 JAN. 19
DEVELOPMENT BRANCH.
2949

The Chief Secretary
to the Government of Mysore,
BANGALORE.

Sir,

We have the honour to inform you that we propose to introduce a Provident Fund Scheme B for the benefit of our employees from 1st February 1940 and enclose a copy of the relative Rules.

It will be seen that this scheme applies to all our employees drawing less than Rs.100/- a month and will ensure that on the expiry of their service workpeople will be able to draw a substantially greater amount than they would do under the existing Gratuity Fund Scheme. The Provident Fund B Scheme will make a compulsory saving from employees' wages which otherwise might be liable to be dissipated by them.

We desire to obtain the recognition of Government before bringing the scheme into force and we shall be grateful if the Government, in exercise of its powers under Section 6 of the Mysore Provident Funds Act

IX of 1916, will extend the provisions of the said Act to our Provident Fund B.

We wish to have the provisions of this Act applied to our Provident Fund so as to make the compulsory deposits not liable to attachment by Courts of Justice and not liable to the claims of a Receiver in insolvency proceedings.

We shall be grateful if you will give this matter consideration at an early date.

Yours faithfully,

For The Bangalore Woollen, Cotton & Silk Mills Co., Ltd.,
For and on behalf of
BINNY & CO., (MADRAS) LTD.,
amended
AGENTS, SECRETARIES & TREASURERS.
pcs

LK.

The Bangalore Woollen, Cotton & Silk Mills Co., Ltd.

PROVIDENT FUND "B"

FOR

WORKPEOPLE.

CONSTITUTION AND REGULATIONS.

THE NELSON PRESS, BANGALORE.

The Bangalore Woollen, Cotton & Silk Mills Co., Ltd.

PROVIDENT FUND "B" FOR WORKPEOPLE.

CONSTITUTION AND REGULATIONS.

1. The fund shall be called "The Bangalore Woollen, Cotton & Silk Mills Co., Ltd., Provident Fund B for Workpeople", hereinafter referred to as "the fund" and its object is to provide each member of the fund with a sum of money, the source and amount of which will be ascertained by the following rules, on the termination of his service with the Company.

2. In these rules, unless there be anything repugnant in the subject or context:—

(i) "The Company" shall mean The Bangalore Woollen, Cotton & Silk Mills Co., Ltd., Bangalore.

(ii) "Contribution" shall mean any payment or transfer of money or securities for money to the fund and shall include any simple or compound interest earned thereby in the fund. "Company's contribution" shall include any sum transferred from the Gratuity Fund to this fund Provided however that any sum so transferred from the Gratuity Fund, with interest accrued thereon, shall on and from the date on which (according to the Gratuity Fund Rules, had those rules still remained applicable) the

The Bangalore Woollen, Cotton & Silk Mills Co., Ltd.

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Gratuity Fund amount would have become payable to the member, be deemed to be a member's contribution.

(iii) "The Directors" shall mean the directors for the time being and from time to time of the Company and shall include the directors in board meeting assembled.

(iv) "Member" shall mean any full time worker in the employment of the Company who during his employment is admitted to the benefit of the fund, has signed the Roll of Members and a copy of these rules in token of acceptance thereof and regularly contributes to the fund.

(v) "Nominee" and "Nominees" shall mean any person or persons as the case may be appointed in writing by a member to receive the amount that may become payable from the fund to the member in the event of the member's death before such member shall have otherwise ceased to be in the service of the Company, provided that such writing has not been cancelled by the member by any later writing. The latest appointment in writing shall be deemed to revoke all earlier appointments.

(vi) "Salary" shall include wages and shall mean the monthly earnings of a worker inclusive of any perfect piece bonus or any bonus based on production during any particular month or leave allowance but shall not include any half-yearly cash bonus that may be declared

(whether provided for monthly or half-yearly) by the Directors or any perfect attendance bonus, any special allowance or any contribution by the Company to the fund or any gratuity.

(vii) "The Trustees" shall mean the trustees of the fund.

(viii) "Worker" shall not include any present or future apprentice or any employee of the Company below the status of a full time worker or **anyone** on probation or on temporary service or any employee who is in receipt of a monthly salary from the Company of Rs. 100/- or more.

3. These rules shall commence to operate from the 1st day of.....1940.

4. The trustees of the fund shall be the directors.

5. Any full time worker may apply to the trustees for membership of the fund and, on his being admitted by the trustees as a member thereof, the Company shall be entitled to deduct monthly from his salary 7½% thereof and shall pay the same monthly to the trustees as part of the member's contribution to the fund to be credited provisionally to that member's separate account in the fund: Provided however that no member shall be allowed to contribute to the fund after having completed twenty seven years full time service with the Company if he shall still be then in the service of the Company. The Company shall at the end of each half year pay the trustees out of its own funds a contribution equivalent to 7½% of all contributing members' salaries paid

for that half year, to be credited proportionately and provisionally to the individual accounts of the members.

6. On and from the said 1st.....1940 the amount provisionally entered up to that date in the Gratuity Fund book of each worker who becomes a member shall be transferred to the account of such member in the fund constituted under these rules and the amount so transferred shall be a Company's contribution and shall so remain until the date on which under the proviso to rule 2 (ii) above it shall be deemed to be a member's contribution and shall after such transfer be dealt with in accordance with these rules. On and after the said 1st.....1940 no member shall have any prospective or other claim whatsoever upon the said Gratuity Fund.

7. All contributions except in so far as the trustees shall require to make any payment in cash out of the fund for audit fees, expenses of administration or under these rules, shall, upon receipt by the trustees be invested in and only in such securities as are mentioned or referred to in clauses (*a*) to (*e*) of Section 20 of the Indian Trusts Act, 1882, and in such securities as by the law of the State of Mysore trustees may invest, the interest thereby earned being credited proportionately to the individual accounts of members, and each member shall be provided at the expiry of each six months of his membership with a statement shewing the total amount provisionally at his credit on the previous 30th June or 31st December, as the case may require.

8. The total contributions standing provisionally to the credit of a member shall not become payable to him unless and until he shall have served the Company continuously for

a period of not less than five years according to a certificate of the Mill Manager which shall be conclusive as to the facts therein stated and until the termination of his service with the Company: Provided that after 27 years of full time service with the Company no further contribution from the member or from the Company provisionally or otherwise for credit of his account shall be required or can be insisted on by any person concerned.

9. The trustees shall not be bound in any one year to make payments from the fund to more than ten per cent of the total number of members but at their discretion may make payments to a number in excess of that percentage.

10. If any member shall die, be discharged or dispensed with owing to lack of sufficient work or otherwise or leave the service of the Company before he shall have completed five years continuous service with it as certified by the Mill Manager or shall at any time be dismissed by the Company for any reason and particularly for the member's conviction by any Court on a charge of crime or misdemeanour in any way affecting the Company or any of its property, assets, works, acts, officers or servants, for participating in any illegal strike, for contravening any of the Company's rules for workpeople, or for any misconduct or negligence, then he shall cease forthwith to be a member and he or the nominee or nominees of a deceased member shall not be entitled to receive any contribution made by the Company and provisionally credited to his account in the fund which shall forthwith be repaid by the trustees to the Company and he or his nominee or nominees as the case may be shall be entitled to receive from the trustees only his own contributions to the fund, less any sum which may then be found due

by him to the Company or any sum due to Government for income tax.

11. No contribution by the Company to the fund or any part thereof shall be assignable by a member or be the subject of any alienation, mortgage, charge or attachment and upon any member purporting to alienate, assign, mortgage or charge any contribution whatsoever to the fund or upon any creditor of any member applying to any Court for attachment of any contribution whatsoever to the fund, thereupon the member shall cease to be a member and shall forfeit all claims upon the fund except to his own contributions thereto less income tax (if any) due therefrom, and the Company's contributions provisionally made to his account shall forthwith be repaid by the trustees to the Company.

12. Should any Government at any time during the subsistence of the fund enact any legislation requiring the Company compulsorily to contribute to any other fund or to pay any levy, tax, assessment, rate or other single or recurring charge from its own capital or income, for any unemployment, health, retirement or other benefit of any of the Company's employees for the time being or from time to time, then the Company shall be at liberty forthwith to reduce its rate of contributions to the fund by an amount equivalent to the Government's said levy, tax, assessment rate or charge if the latter be equal in amount to not more than 7½% of members' salaries and if it be equal to more than 7½% of such salaries then the Company shall be at liberty forthwith to cease making any further contributions whatsoever to the fund.

13. Nothing in these rules contained shall in any way be taken as restricting the powers of the Company at any time to dispense with the services of, discharge or dismiss any of its employees or workers.

14. The trustees shall be at liberty at any time after not less than fourteen clear days' notice in writing put up on the Notice Board at the Mill, to alter, amend or modify any of the rules of the fund except rule 12 above so however that no part of a member's own contribution thereto shall be made payable to the Company except for (1) debts outstanding due by the member to the Company and (2) income tax (if any) paid or payable by the Company or the trustees on the member's behalf; and, should any question at any time arise as to the true interpretation of the rules for the time being of the fund, the opinion of the directors shall be final and binding on all parties.

Form of Declaration.

I,.....hereby declare that in the event of my death the undermentioned $\frac{\text{person}}{\text{persons}}$ shall be entitled to receive payment of any amount which may become payable to my nominee or nominees under the above Rules.

Signature.

Witnesses :

1.

2.

I,.....hereby declare that I have had read over to me and I understand the Rules of The Bangalore Woollen, Cotton & Silk Mills Co., Ltd., Provident Fund ''B'' for Workpeople as hereinbefore set forth, that I agree to be bound by the same as one of the terms of my employment and that I shall have no claim whatsoever on the Gratuity Fund of the Company.

Dated day of 1940

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. D 3813 / Re 428-39-2 General and Revenue Secretariat,

Dated Bangalore 14 February xxx 1940.

NOTIFICATION.

In exercise of the powers vested in them under Section 6 of Act IX of 1925, the Government of His Highness the Maharaja of Mysore are pleased to extend the provisions of the Act to the Provident Fund Scheme instituted by the Bangalore Woollen Cotton and Silk Mills Ltd., for the benefit of their employees from 1st February 1940.

By order,

13/2/40

Secretary to Government,
Development Department.

To

The Compiler, Mysore Gazette for publication.

Ans. 11

Appendix F G—11

7

SUBJECT.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 14/2

Signed by Mr Iyengar

List of enclosures.....

Copied by.....

Examined by.....

Section

File No. 428-39

Serial No. 2

No. Fin D 3813

To

In exercise of the powers vested in them under Sec. 6 of Act IX of 1916, the Govt. of Mysore are pleased to extend the provisions of the Act to the Provident Fund scheme of Institute Bangalore Workers Co-operative Credit Society Ltd. for the benefit of their employees from 1-2-1960.

By Order,

D 3814-15 1/3/4 Sec to Govt

To The Comptroller, M.G.

Copy to the Dir. Dte of Industries & the Managing Dir. M.W.C.S. Institute.

WD 0563—GPB—80,000—6-1-59